THE CASE OF THE OATHS STATED.

LICENSED,

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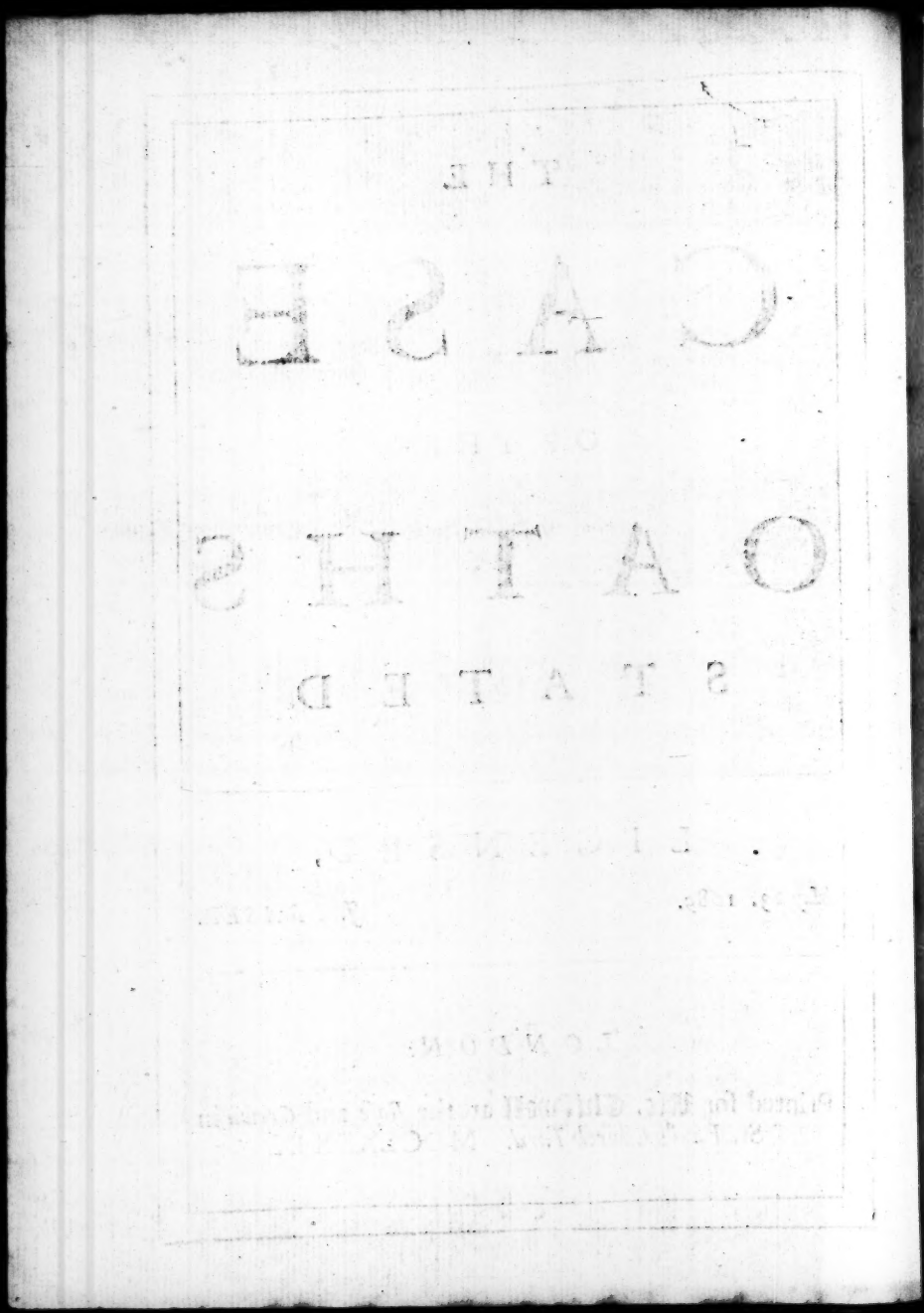

THE CASE of the OATHS STATED.

FOR the clearing of the matter in question, I ſhall lay down ſome Caſes, which all Caſuiſts agree will invalidate the Obligation of an Oath.

Firſt, That an Oath cannot cancel a former obligation.

Secondly, That an Oath does not oblige to impoſſibilities; ſo that when the matter of an Oath either originally is, or by change of circumſtances comes to be under either of theſe two conſiderations, the Oath is no longer obligatory.

Now that the late Oaths of Allegiance, &c. taken (as ſome would have them) in their utmoſt latitude, (ſuch as at all times to aid and aſſiſt the King; to oppoſe him or any Commiſſioned by him upon no pretence whatſoever) does in ſome Caſes interfere with former obligations, may, I conceive, be eaſily proved.

And this will plainly appear, by taking a view of the origine of Government; what it was at firſt intended for, and what Relations a man brings himſelf under, when he is made a Member of a Civil Society.

Surely none will deny, but that Government by the intention of Nature, was ordained for the ſecurity of Mankind; and that men have voluntarily reſolved themſelves into Societies for to repel Violence, and for the mutual preſervation of one another. For though ſelf-preſervation

be the primary aim of every individual; yet since that cannot be effected without mutual assistances, 'tis natural for a man to promise that aid and assistance to others, which he expects again from them upon the like exigences; and this I take to be the first natural obligation a man is under, when he enters himself in a Civil Society.

But since self-love and self-interest are oft times prejudices too strong for that just and equal return of Kindnesses which is requisite in all human Societies; men therefore lay down and submit to external forms and Rules, which they judge to be the most convenient measures of their obligations to each other: and from the several sorts of these Rules, which (according to the circumstances of men and places, are various) proceed so many different forms of Government: And then that Person or Persons, who are made, as it were, Guarantees of this formal Alliance, and to whom the Administration of Affairs, according to these Rules is committed, are termed Governours; so that these Governours being by the contrivance of Nature as necessary to mankind as the common Air, there arises a second obligation upon men to submit to them, and assist them, which obligation we therefore call *Natural Allegiance.*

Thus we see how Nature proceeds in the methods of Government; First, by inclining men to the mutual assistance of each other in their respective Societies. Secondly, And in order to the due observance of this primary Engagement, by inclining them to constitute, and submit to Governours, who upon any failure of this natural duty, shall have power to enforce the obligation.

So that our obedience to Governours, being by the sense of Nature founded upon a supposition that 'tis consistent with the preservation of the Community which they Govern, must not be extended beyond the first design of its institution: and if their Commands be evidently destructive of that Society over which they preside, they must

must not only not be obeyed, but opposed: For in such a case we must be put in mind of our antecedent obligation; the conditions of which is not barely not to be instrumental in our Fellow Citizens destruction; but to use our utmost endeavours for their preservation; And therefore if any man at the taking of those Oaths, thought he brought himself under an universal tye of submission to his Prince; I would fain know how he came to be first absolved from his obligation to the Community; and if this obligation (when both duties interfere) be the antecedent, and consequently first takes place; the person swearing may satisfie himself, that he engaged himself to the King further than was in his power to do, and so indeed judge himself indiscreet, but not perjured.

I foresee an Objection, which will be urged in this place: That these Oaths were allowed of by Parliament, which virtually implies the Consent of the whole Nation; and therefore since they have consented that I should take the Oaths in this Latitude, they have thereby absolved me from the obligation of giving the people assistance upon any pretence whatsoever against the King.

In answer to this, I would have every man consider; First, whether the Parliament did intend the Oaths should be obligatory in that Latitude; And secondly, If they did intend it, whether they had power to make them so.

First, That they did not intend it, seems plain from all their subsequent actions: For if they did intend such an universal submission, as not to oppose the King upon any pretence whatsoever; they must intend to make him to all intents and purposes Absolute, and consequently give away their share in the Legislative Power; which is plainly otherwise by their constant Recognitions ever since in the Preamble of every Act of Parliament: and that this would be the inevitable consequence of such an unlimited obligation upon the People, is evident; for what

what is wanting to make a King at leaſt *de facto* abſolute, but that his Subjects ſhould be under a neceſſity in all caſes not to oppoſe his Commands? And then a little time and preſcription will ſoon make him ſo *de jure* too.

But I cannot believe that the Legiſlators would act ſo inconſiſtent with themſelves, as (in the Declaration they required us to make) to intend it ſhould oblige to the utmoſt extent of the words; ſince in ſome caſes it may ſtand in contradiction to other Oaths we had before taken, and which they afterwards expected ſhould continue in force: *viz.* the Oaths of Allegiance and Supremacy. By theſe Oaths we were obliged, *to the uttermoſt of our power to defend the King againſt all attempts whatſoever, which ſhould be made againſt his Crown and Dignity; and to defend all Juriſdictions, Privileges, Preheminencies, and Authorities belonging to the King, and the Imperial Crown of this Realm:* In the Declaration we engaged *not to take up Arms againſt the King, or thoſe that are commiſſioned by him, upon any pretence whatſoever.* Now we will put the Caſe (which is not very unlikely) that the King ſhould Commiſſion a Marſhal of *France* with a Body of *French* and *Iriſh* Papiſts to enter his Kingdom, and take poſſeſſion of the moſt important places in it: That he ſhould own the Pope's Authority, and ſuffer his Legate to exerciſe Eccleſiaſtical Juriſdiction within this Realm; the evident conſequence of which, would be ſubjecting the Kingdom to Popery and *French* Slavery. Let us then in ſuch a caſe view the contradictions that would lye in an *Engliſh-man*'s duty, who had taken all theſe Oaths in the utmoſt extent that the words will bear. If he takes up Arms againſt the *French* Philiſtine; then his Declaration condemns him for oppoſing a *Perſon Commiſſioned by the King upon any pretence whatſoever*; and the ſecurity of the King's Crown and Dignity, the Lives, Laws, and Liberties of the Subjects are but pretences, though I muſt confeſs of very high concern

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to the whole Nation. If he ſits ſtill, and is contented only to lament the conſequence that attends Dragoons and Inquiſitions; then how does he fulfil his Oaths of Allegiance and Supremacy, wherein he is engaged *to the uttermoſt of his Power to defend the King's Crown and Dignity, to defend all Juriſdictions, &c. belonging to the King, and the Imperial Crown of this Realm,* when he manifeſtly perceives all theſe invaded, and the Spoil divided between a Foreign Prince, and a Foreign Prelate? Now, in ſuch a Caſe, I leave it to any man to judg, whether by the Laws of Nature, and the Conſtitution of this Kingdom, the Declaration would remain in force, and not admit of a reſerve upon ſo urgent a neceſſity.

And if any man thinks to reconcile the Declaration, and the Oaths in this Caſe, by ſaying, That the King by giving Commiſſion to a Foreigner to enter his Kingdom, has thereby conſtructively reſigned his Government; or by ſaying, That the *French* General is uncapable of a Commiſſion by Law, and therefore, that he may be oppoſed, as being no legal Officer; both theſe Poſitions turn againſt them who contend for an unlimitted Submiſſion, made by the Declaration, and for an univerſal Allegiance in no caſe to be alienated. For the firſt Suppoſition proves, That the indelible Character may be loſt, and that a Crown is not ſo fixed, but that a King (as to himſelf) may void his Throne by an Interpretative dereliction: The ſecond proves as much againſt our Engliſh Papiſts, as againſt the *French*; for they are by the Senſe of our Law no more capable of Commiſſions than ſo many Salvages; and whoever took up Arms to oppoſe their illegal Deſigns, tho the King himſelf were at the bottom of them, were no more Rebels in Conſcience (whatever they might be called by a high-ſtrain'd Comment upon ſome Laws) than if they had riſe to ſeize ſo many armed Thieves, *Iriſh* Wolves, or a *Romiſh* Legion. So that in ſhort, tho our Declaration be in general Terms, not to oppoſe any that are commiſſioned by the King; yet, if my Obedience has ſtill this tacit condition, that

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the Perſon commiſſioned, is qualified by the Laws of the Land; why muſt not the Law of Nature, which is the Foundation of all Government (to wit, the Preſervation of Communities) likewiſe take place, and be tacitly ſuppoſed an Exception in all Engagements we make, as to thoſe Caſes which are deſtructive of it?

But, Secondly, If the Parliament did intend to bring our People under ſuch an entire and univerſal Submiſſion, as is pretended; yet they had no Power to do ſo: For no Power can reach further than the reaſon of its Inſtitution; and if the reaſon of the Peoples delegating their Power to their Repreſentatives, was to preſerve their Lives, Liberties and Priviledges; it cannot be ſuppoſed, that this delegated Power can extend to make them Slaves. If a Minor gives his Guardian full Power to manage his Eſtate; 'tis not in Equity to be ſuppoſed, that he may not oppoſe him, if he Squanders it. Beſides, the Parliament could not make a Law which would bring the People under an Obligation contrary to the Law of Nature; becauſe the People themſelves could not do it; and therefore, the Power of Parliament could reach no further than theirs from whom it was derived. No man can give another Power to kill him; becauſe the conſent is unnatural, and ſo is in it ſelf null and void; ſo no Community can give any Perſon power to deſtroy them, either directly, or by conſequence; becauſe their being a Community was for their Preſervation; and 'tis prepoſterous in nature, that the Means ſhould be deſtructive of the End. However, this will not reach thoſe Alterations which are often made for the conveniency of the Government; for a Man may give another Power to give him Phyſick, but not Poyſon.

I know ſome Men will ſay, That the Declaration is impoſed in general Terms, and that they cannot make particular Exceptions; and ſince the Law has no diſtinctions, they think that 'tis not in their Power to make any.

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In answer to this, I reply; and 'tis Bishop *Sanderson's* Opinion, That the Words of an Oath, though never so generally expressed, have still some tacite Exceptions, which must make them consistent with common Equity, whenever they interfere: And when the Reason of the Exception is not foreseen, and very unlikely to happen (as 'tis in the Case of a King's endeavouring to ruine his Subjects), he says, 'tis most convenient, that the Oath be expressed in the most general Terms: his Reason is, because ungrateful Exceptions are apt to make our Fidelity suspected, and raise a Jealousie in the Person to whom we swear; and so, in some measure, frustrate the very Design of an Oath. And indeed, our Obligation to the Laws of God themselves, though expressed in general Terms, have been interpreted with reserve, when the matter seemed to require it; as in the case of the *Sabbath*, and the *Shew-Bread*, and the *Alliance* between *Husband* and *Wife*, though our Saviour makes no Exception but that of *Adultery* (and an Exception is supposed commonly to make the Rule the stronger), is by most men judged to be dissolved in the case of impotence and frigidity.

'Tis hard to imagine, that Humane Laws can be so contrived, but that some Cases of Necessity (and one is enough to ruine the Universality of the Obligation) may be supposed, and sometimes happen, which must justly over-rule them, and so relieve the Conscience from the guilt of transgressing them; as in the Case of a sudden Invasion, where the Country rises in Arms without the King's Commission, (which is *Treason* in Form of Law); and yet I hope no one in Equity will charge such men as Traitors for delivering their Country, though the Prince himself were willing to have it invaded. 'Tis true, men were loth to have such unnatural Instances supposed; but I hope the present State of *Ireland*, and a little late Intrigue in *England*, has by this time convinced us, That there is a Religion in the World,

which is too angry and rough for the Tenderness of Nature.

Indeed some men urge the Inconveniency of a Liberty in the People, to oppose the Will of their Prince, even in a case of the greatest Necessity, because others will pretend Necessity where there is none; and so all Government will hang as loose as a Weathercock.

I must confess, if the Dispute were only, which was most Natural, That the People should have an Arbitrary Power of resisting their Prince, or, that the Prince should be in all Cases irresistible, and so govern at Discretion, I should be apt to side with the latter part of the Question; because I had rather trust my self to the Fury of my Prince, than to the Madness of the People. But since there is a middle Opinion, which will neither allow the Prince to be precarious, nor the People Slaves; which will keep the Subjects quiet, if they be not possessed, and the King secure, if he be not raving; I am inclined to think, that this Scheme of Government is most consistent with Nature, and the good of Mankind. And therefore before Subjects can make a Just Defence against their Governours, they must be sure that the Necessity of it be evident and general; they must not be influenced by particular mens discontents, as if the whole frame were tottering; and not mistake that for a common Cause, which perhaps is shrunk into a Faction.

Neither can we decently argue from the abuse of a Priviledge, to the total disuse of it; since we condemn the same Argument in the Papists, when they would prove, that the Scriptures ought not to be read by the Common People, because thereby some of them are apt to broach Heresies and Schisms. But we say, *Let the Heretick answer for himself, and the Rebel receive the reward of his iniquity:* We think it unjust, that for the faults of others, we should lose either our Bibles or our Birthright.

Then the whole matter of this Controverſie muſt turn upon this hinge: whether the Matters of Fact charged in the Prince of *Orange*'s Declaration, were true; whether Deſigns were laid, and almoſt perfected, to ruine the Kingdom, and bring in Popery; and that, we know, would kindle Fires, not unlike thoſe of Hell, unquenchable. If then theſe Matters were true, I think a Perſon who would ruine his People and Government, though it were for the ſake of his Religion, is under as great a Natural Incapacity of Governing, as if he were a *Lunatick* or an *Ideot*: for what difference is there whether a man be deſtroyed by *Zeal* or *Phrenſie*? And would it have been any greater Comfort to the People of *Rome*, if *Nero* had burnt their Town out of a well-meaning Deſign, and not out of a Frolick?

Having briefly examined the Nature and Obligation of the *Oaths of Allegiance*, &c. as they have hitherto concerned us; I ſhall further enquire, how they affect us under the preſent Circumſtances, and how far we may in Conſcience cloſe with the preſent Eſtabliſhment, by taking the New impoſed Oaths, notwithſtanding the Force pretended to remain in the former.

And here I muſt premiſe what Biſhop *Sanderſon* and others ſay, That an *Oath of Allegiance* to a Lawful Prince, does not add any New Right, but only confirms what was Naturally due to him from his Subjects; So that if the Subjects, after taking ſuch an Oath, fail in their Duty, the injury to the Prince is not thereby become greater; only they are rendered the more Criminal, by adding Perjury to their Perfidiouſneſs. This I mention, to remove the prejudice ſome men lye under, by thinking that their Oaths bring them under a ſtricter ſubjection, and that they are not allowed the ſame prudential Latitude, as to their *Allegiance*, with thoſe men who have not taken them. Now therefore

if by the Nature of Government, *Allegiance* it self may in some Cases cease before the Death, and without the formal Consent of the Prince, then the Oaths founded upon this *Allegiance* must cease also: So that the pretence of an unalienable *Allegiance* must drop; and then the Enquiry must be, whether our Case may not admit of as favourable a Construction in this matter as any other.

1. *Case.* If a King should manifestly go about to destroy his Subjects; I say, in this Case *Allegiance* ceaseth; because *Allegiance*, being a Duty arising from a Relation between King and Subjects, and this Relation being founded in general upon the good of Mankind, and in particular upon the preservation of such a Society; where the Foundation does not appear, there the Relation is lost, and consequently all the Duties flowing from that Relation: and so we find in all other Relations whatsoever, that the Obligation is void, when the Reason of the Relation ceaseth; as 'tis between Husband and Wife, Master and Servant, in those Cases which are destructive of the Ends of those Relations: and so it is also in some respects as to the Relation between a Father and his Children; for a Father must be considered, either as a Person begetting his Children, or as a Person afterwards governing and protecting them: In the first respect the Relation depends upon one antecedent Act, which gives him a perpetual Denomination, which can no more be recalled than the time past; and so is neither in the Father nor Children's power to be cancelled: In the second respect, it depends upon subsequent Acts, and following Conditions; and so either continues, or loses its Force, according to the performance of those Conditions: So that if a Father should endeavour to destroy his Children, they may by the Law of Nature oppose him; and without his leave, put themselves under the protection of another for their preservation. And 'tis plain, that the Du-

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ty of Children to their Parents, flowing from the Relation between them, taken in this latter Acceptation, is not of Eternal Obligation; since every Wife transfers her Duty from her Father to her Husband, whom she is bound to obey even in opposition (if it should so happen) to the Commands of her Father.

2. *Case.* If a King should alienate his Kingdom, and give it to a foreign Prince, who is universally reputed an Enemy to the Kingdom; then the Subjects are absolved from their Allegiance, because the King has resign'd his Power, and this in the Opinion of all Men makes him a Private Man; And though here in *England*, such an Act would be in it self null as to the Succession; yet it is sufficient to shew the present Possessor's will of relinquishing his Government; and so if the next Person takes Place, there is no Injury done to him who voluntarily resigns, because the Resignation is full and good, though there may be a flaw in the Conveiance.

3. *Case.* If in a just War, where the Subjects are not bound to assist their Prince, he is brought to such Circumstances, as to be obliged to give just Satisfaction to the Prince who brings his Forces against him; but, rather than submit to such Legal Terms as are offered, will leave his Kingdom, without making any Provision for the Government of it: In such a Case likewise his Subjects Allegiance ceaseth, because he that leaves the Government of his Subjects, must be supposed to resign his Interest in them; for Government is so necessary for the preservation of Subjects, that he who intends to have Subjects, must at the same time intend to have them Govern'd; neither can force be any excuse in such a Case, because force can be no benefit to a Mans Plea, unless it be unjust; a Man can make no advantage of being forced by Bailiffs, when he runs away for Debt, because the occasion of the force was originally from himself, and he might, and ought to have prevented it; and

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therefore if a King will go off, rather than comply with Justice, he then forces himself, and his Desertion is voluntary.

4. *Case.* But if a Lawful Prince should be driven out of his Kingdom by unjust force, and another set upon his Throne, to whom Allegiance is required to be sworn, notwithstanding the former Oaths to the Lawful Prince: I say, then also, if the force upon the Subjects be irresistible, they may be free to make their Terms with the King *de facto* for their Protection, though it be in prejudice to their former Allegiance.

And the reasonableness of this Liberty in the Subjects, will appear; First, from the destructive Consequence of denying it; for then upon any Successful Revolution, all that assist the lawful Prince must be destroyed; and every Conquest must end in the extirpation of the People of that Kingdom which is Invaded; so that considering the various vicissitudes of Governments; how that in some small term of years, there is scarce a Country which does not fall under such pressing Necessities: If God had thought fit to oblige Men by such a Principle, he might easily have destroyed Mankind without the expence of a Deluge. We have indeed heard of Men, who generously laid down their Lives for the Interest of their Country; but that a whole Nation should be ruined for the sake of their King, at a time when they are able to do him no Service by it, is a Piece of Gallantry, that we never yet had an Instance of. When a King is reduc'd to such Extremities, to suffer for him, is to fall for the sake of an empty Name, and dye Martyrs for an irrecoverable Title: So that the Law of Nature, the Design of Government, and the Practice of all Mankind, will allow Subjects, when the King's Interest is inevitably lost, then to endeavour to secure their own, and honourably to deliver up that Allegiance which they cannot any longer defend.

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Secondly, Besides that the Nature of Allegiance will allow Subjects to enter into Terms with a prevailing Invaden; they may likewise rationally presume, that they have the consent of the lawful King to do so; and where a formal consent cannot be had, a tacite one supposed upon good Grounds is sufficient; this made Bishop *Sanderson* think it lawful to submit to the late Usurpation, because the Subjects might Presume that they had the King's leave for it; and the reason of that Presumption is founded upon the tenderness every King ought to have for his Subjects, who is obliged to have the same compassion for them, that *David* had for his in another Case, when he said, *If I have done amiss, strike me, but what have these Sheep done?*

And if we may presume that the lawful King will consent that his Subjects should pay an Usurper some Acts of Allegiance in a Case of necessity; Why not, if their Protection can be had upon no other Terms, that he should give them leave totally to transfer it? Like *Solomon*'s true Mother, who, for the sake of her Child, would rather resign him up wholly to her Enemy, than reserve to her self a dead and useless share by the division. Now there can be no reason pretended, why a King should not be presumed to give such a consent, but because he would thereby lose his Subjects, and a King without Subjects is no King: Let us then see whether by the denyal of such a consent, he would not likewise lose his Subjects, though after a much more dismal manner: For if the Subjects entertain such a Principle of a stiff perseverance in their former Allegiance, it must oblige the Conquerour to put them all to the Sword; and every Invader must, like *Moses*, possess a Country only by destroying all the Inhabitants of the Land.

But if it be objected, That King *J.* does actually require his Subjects Allegiance, by his manifest endeavours to regain his Kingdoms; I answer, if it be morally impossible (and I think that to be impossibility enough to invalidate an Oath) that

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King should repossess himself of this Kingdom, according to the present Disposition of the People, without the forcing at least ten parts of them; and when all that is done, his Kingdom and himself would be but a Prey to a more powerful Neighbour. I say, in such a Case, we are to consider the Circumstances we are in, and then the Question will be, not what Liberty the King does, but what he ought to allow his Subjects; for I think no Subjects are bound to regulate their Actions according to the Spleen and Delusions of their Princes.

There is nothing more common in History, than, upon irresistible force, Instances of transferring Allegiance from the Lawful Governours to the Prevailing Powers; which *Livy* therefore frequently expresses by *tradere se in fidem, accipere in fidem*; and the *Romans*, in the like Case, when they could afford their Subjects no Assistance, *vetere Domum, fideque ad ultimum expleta, consulere sibimetipsos in præsenti fortuna jusserunt*, Liv. lib. 29. cap. 20. Nay, the *Roman* Greatness it self was made up by such alienations; and that Due which our Saviour Commands to be rendred to *Cæsar*, was but of a short standing, and the Effect of a very late Usurpation.

One Scruple is, That the present Establishment is against the Laws of the Land, and therefore we cannot submit to it without transgressing them. This Argument does upbraid all Conquer'd Nations whatsoever, and by it we condemn them for not suffering themselves to be destroyed upon every Revolution since the Creation; for I suppose there is no Nation that has a Law to allow it self to be Conquer'd; and yet, we find many, when they were reduced by Force, who could submit to Terms, though with Prejudice to their own Constitution. I must confess that to be Zealous for Forms of Law, at a time when they are overruled by force and pressing Necessity, is like the Man of *Gotham*, who when he was overtaken by a Storm, stood still, and would not ride for

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ſhelter, becauſe he had wiſely obſerved, that it was not cuſtomary to travel in foul weather; but 'tis not very agreeable to ſtickle for Laws, when at the ſame time we tranſgreſs them; we cannot eat and drink without increaſing the Revenue, and ſo in ſome meaſure aid and aſſiſt Uſurpers: we cannot ſleep without owning their protection: and if we cannot juſtifie theſe actions but by the plea of neceſſity, let us carry the neceſſity a little higher, and conſider whether any Law of a Society obligeth to the confuſion of it; and whether we may not for the ſake of peace ſubmit to an eſtabliſhment, which ordinarily we could not approve.

But ſince the Statute of *Henry* the Seventh, is part of our Law, I think we may juſtly take the advantage of it; and according to my Lord *Bacon*'s Character, *the ſpirit of this Law was wonderful, pious, and noble*; and I believe the deſign and uſe of that Law appears viſibly in our Caſe; 'twas to indemnifie the Subjects for making terms and ſubmitting to the King *de facto*, tho the true right might be in another; ſo that this liberty being legally granted, it ſecures us from any guilt we can contract in this caſe from the Laws of the Land; and as for the Law of Nature, I hope it ſufficiently appears that this liberty is conſiſtent with it.

Nothing now remains but to compare our preſent behaviour with that of the Nobility, Gentry, and Clergy, during the late times; whoſe ſteady Loyalty is thought by ſome to be a reproach to our inconſtancy.

Let us then impartially conſider the circumſtances of thoſe worthy Sufferers during the Reign of King *Charles* the Firſt, together with our own, and then judge whether we are not a little too ſevere upon our ſelves, to make our ſufferings parallel; when the reaſons of them are ſo infinitely different; thoſe worthy Patriots were obliged to ſtand by their King by all the tyes of Love, Honour, Gratitude, and Generoſity; the difficulties he engaged in were for their ſakes, and indeed he fought their Battels; ſo that if he had

not been their King, they must have stuck to him as their Captain. He might have purchased his own peace, if he had sacrificed their Interest; and then after such endearing obligations, when they unfortunately found that they had lost not only their King, but their friend, and that in his stead *Dagon* was set up; 'tis no wonder if their resentments could not easily be cooled, and that they would refuse to enter into terms with misery and confusion.

But the case of every Church of *England* man is now quite otherwise: (I speak of those who are truly such; as for those of our Communion, who by their servile compliance shewed they had no conscience in the last Reign, it will but ill become them to pretend to one in this; and therefore I am not concerned if they are not included in the argument) I say their Loyalty to King *J.* is not to be considered with the addition of any favours, but as bare and naked as a *French* Gally-slave owes to his Sovereign Persecutor. Nay, their Loyalty was highly provoked, and I am apt to believe industriously tempted; their Loyalty was disobliged so far beyond humane patience that nothing but their holy Religion could have kept it steady. They bore all the affronts that the pride and insolence of that Conclave could throw upon them; they had their Nobility and Gentry disgraced, their Bishops imprisoned, their Clergy harassed, their Laws trampled upon, their Religion and Liberties unjustly assaulted; and all these, compared to what was in all humane probability to follow, but the beginning of sorrows. All these Indignities they endured, with great evenness of temper; tho considering their strength they might with all imaginable ease have checked their Persecutors, shaked off the yoke, and asserted their freedom; yet among all these hardships they stirred not in their own defence; their mighty deliverance was not from themselves, neither was it their own arm that helped them.

Let

Let us again consider the difference in the case of the present Church of *England* men, and those of the late times; in respect of the persons who are set up, and claim our Allegiance, they must have submitted to a Sett of men, who had plucked up the whole Government in Church and State by the Roots; so that they might as well have joyned with Anarchy, as with such a Scheme of Government. The *Presbyterian*, Rump-Parliament, Army, and Independent Model, all jumbled together, the very best singly scarce tolerable, but a Jargon of all, impossible to be endured. So that the Gentlemen of those times could not endure to see such a farce of Government without indignation; and therefore no doubt but they had still hopes and vigorous resolutions to have their own again reestablished; and then they could not swear to a party, which they were engaged to oppose.

But the Royal Persons who now sit upon the Throne, tho they are there before our hopes, yet if they had been four years sooner, they could not have been there before our wishes: And if there be a small flaw in their Settlement in respect of the strict Rules of our Constitution, yet 'tis but what the wisdom of the Nation thought in this conjuncture necessary, and the persons concerned in it have allowed. So that as to that side any scruple will be groundless. And as for bringing back King *James*, I know none that have an inclination to it, but those who can take Oaths, and afterwards find an easie expedient to be absolved from them. Whatever Severities our Religion requires us to suffer from Popery, when in possession, I am sure it does not oblige us to contribute to the bringing of it in; and therefore if we reserve our Allegiance, only least King *James* with a foreign force should be able to demand it of us. I am afraid we must then be forced to transfer it with a vengeance, and what we deny for the protection and favours of King *William*, we must sacrifice to the fury of King *Lewis*.

I cannot see, how closing with the present establishment can

can be any blemish to our Religion, since I cannot find the case prohibited in any part of the Bible. I am sure God by the mouth of his Prophet commands his people *Israel*, when they were conquered and reduced to extremities, to serve the King of *Babylon*, and live, *Jer.* 27. 17. And as for the security of Government; such extraordinary instances must not be reduced into common practice: and Passive Obedience will have its use in several Cases, for all the Jests that are now made upon it. For if Passive Obedience be not a Duty, there is no Rebellion in nature, and all Governments are as much obliged to this Doctrine truly stated, as they are to the 13. *Chap.* to the *Romans.*

Having now briefly considered all the Objections that are made against submitting to the present Establishment, I think none remain but what are more trivial, and either come directly under these Cases mentioned, or considering our Circumstances are easily reducible to them. So that those Conscientious persons who scruple the Oaths, can in modesty suppose their opinion to be at best but probable, since so many worthy men take the Oaths, and so many Arguments are daily produced to justifie the action; then let them consider, whether they are obliged to let their Religion, the peace of their Country, their own Liberties and Properties suffer a manifest inconveniency for to maintain a doubtful Cause, and to defend a Loyalty founded only upon the impractical notions of some Speculative men, and a thin Metaphysical Scheme of Government: I hope therefore they will not suffer the penalties of the late Act (I dare say ungrateful to the imposers) to take place, and so deprive themselves of their own necessary support, and the Government of their service.

FINIS.